

John C. Smiley (#5-2381)
Ethan J. Birnberg (#7-4761)
jsmiley@lindquist.com
ebirnberg@lindquist.com
LINDQUIST & VENNUM L.L.P.
600 17th Street, Suite 1800-S
Denver, Colorado 80202
Phone: (303) 573-5900
Facsimile: (303) 573-1956
Counsel for the Official Unsecured Creditors' Committee

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING**

In re:)	
)	
WESTERN BIOMASS ENERGY LLC,)	Case No. 12-21085
)	Chapter 11
Debtor.)	
)	
)	

**OFFICIAL UNSECURED CREDITORS' COMMITTEE'S OBJECTION TO DEBTOR'S
MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING DEBTOR-IN-POSSESSION
TO OBTAIN POST PETITION UNSECURED DEBT *NUNC PRO TUNC*
TO 11/09/12, (II) AUTHORIZING DEBTOR-IN-POSSESSION TO EXECUTE AND
ENTER INTO LOAN AGREEMENT EFFECTIVE AS OF 11/09/12, AND (III)
ALLOWING FOR ADMINISTRATIVE, SECURED AND SUPERPRIORITY CLAIM**

The Official Unsecured Creditors' Committee ("Committee"), through counsel, hereby objects to the Motion for Entry of an Order (I) Authorizing Debtor-In-Possession to Obtain Post Petition Unsecured Debt *Nunc Pro Tunc* to 11/09/12, (II) Authorizing Debtor-In-Possession to Execute and Enter Into Loan Agreement Effective as of 11/09/12, and (III) Allowing For Administrative, Secured and Superpriority Claim (the "Motion"). In support of this Objection, the Committee states:

1. The Committee hereby joins and incorporates Security National Bank of Omaha's objection to Debtor's Motion. *See* Dkt # 34.

2. Western Biomass Energy, LLC (the "Debtor") filed its voluntary petition on October 31, 2012.

3. Through its Motion, the Debtor seeks to receive \$250,000.00 in post-petition financing from Blue Sugars Corporation ("Blue Sugars"). Blue Sugars is an insider of the Debtor.

4. To provide the financing, the Debtor has offered Blue Sugars a superpriority claim and lien; a priority lien under 11 U.S.C. 364(c)(2), and a priority lien pursuant to 11 U.S.C. § 364(d).

5. The Debtor is not operating. It has no income. There is no justification to further encumber the Debtor's limited assets.

6. The Debtor cannot repay the proposed financing while operating. It is not appropriate to provide a superpriority lien and claim to Blue Sugars under these circumstances.

7. The proposed post-petition financing is not in the best interest of the estate or its creditors.

8. Debtor's Monthly Operating Report for November states that it has already received \$50,000.00 in financing prior to approval of any superpriority lien or claim. *See* Monthly Operating Report, Dkt. # 30.

9. For these reasons, the Committee requests that the Court deny the Debtor's Motion.

Dated this 31st day of December, 2012.

LINDQUIST & VENNUM L.L.P.

By /s/ Ethan J. Birnberg
John C. Smiley, #5-2381
Ethan J. Birnberg, #7-4761
600 17th Street, Suite 1800 South
Denver, CO, 80202-5441
Telephone: (303) 573-5900
Facsimile: (303) 573-1956
E-mail: ebirnberg@lindquist.com

Counsel for the Official Unsecured Creditors' Committee

CERTIFICATE OF SERVICE

The undersigned, Brandon L. Blessing, does hereby certify that on December 31, 2012, copies of the foregoing OFFICIAL UNSECURED CREDITORS' COMMITTEE'S OBJECTION referenced therein were served by electronic mail and/or by placing the same in the U.S. Mail, postage prepaid, to all parties on the attached list.

DATED December 31, 2012

/s/ Brandon Blessing
Brandon Blessing

Western Biomass Energy LLC
Case No. 12-21085
Mailing Matrix-LIMITED
SERVICE

Midwest Mechanical Contractors
13800 Wyandotte St
Kansas City, MO 64145

Midwest Renewable Energy LLC
c/o Penny Thelen
3610 Dodge Street, #212
Omaha, NE 68131

Western Industrial Contractors
Attn: Robert M. Vacek
14805 East Moncrieff Place
Aurora, CO 80011

Miller Fabrication LLC
PO Box 4652, Dept 254
Houston, TX 77210-4652

Andritz Environment & Process
PO Box 120312, Dept 0312
Dallas, TX 75212-0312

Flottweg Separation Tech, Inc.
PO Box 635920
Cincinnati, OH 45263-5920

Snow Crest Chemicals
PO Box 50584
Billings, MT 59105

Vincent Corporation
2810 East 5th Ave
Tampa, FL 33605

Kimball Midwest
Dept. L-2780
Columbus, OH 43260-2780

Martin Trans-Logics, Inc
PO Box 59
3601 W Tickman Street
Sioux Falls, SD 57101

L&H Industrial, Inc.
Attn: Teryl McGriff
913 L&J Court
Gillette, WY 82716

Voith Meri Environmental Solution
PO Box 1262
Appleton, WI 54912-262

Bio Springer North America
321 de la Commune #300
Montreal QC Canada
H2Y 2E1

Midland Scientific, Inc.
PO Box-310304
Des Moines, IA 50331-0304

University of Tennessee
Institute of Agriculture
103 Morgan Hall
Knoxville, TN 37996-4506

Hienrich Frings GmbH & Co. KG
Post fach 1540
53005 Bonn

Solutions Dynamics
PO Box 866
Brookfield, WI 53008

Weston County Treasurer
1 Main Street
Newcastle, WY 82701

Airgas Intermountain, Inc
PO Box 7430
Pasadena, CA 91109-7430

add blue Consultoria, Ltda
Rua Joaquim Nabuca, 47, cjt, 81
San Paulo-SP CEP14621-000
Brazil

First National Bank of Omaha
1620 Dodge Street, Stop 1050
Omaha, NE 68197

GDA Consult SA
147 Rue d'Eglise
Brussels, B-1150 Belgium

Greenberg & Traurig
Attn: Raymond Lee
3161 Michelson Drive, #1000
Irvine, CA 92612

Signet Global Investors Limited
Attn Philip Boylan
5th Floor Beau Lane House
Mercer Street Lower Dublin, Ireland 2

TMF Trustees Singapore
Trustee for John Eric Buckens
Brumby House, Jalan Bahasa
Box 80148 Lubuan F.T., Malaysia 87011

Warcoing Sucre SA
Rue Gachard 88/16
Brussels, Belgium 1050

Security National Bank of Omaha
PO Box 31400
Omaha, NE 68131-0400

Blue Sugars Corporation
525 University Loop, #111
Rapid City, SD 57701

John C. Smiley
Counsel for Committee
600 17th Street, #1800 South
Denver, CO 80202-5900

Western Biomass Energy, LLC
Case No. 12-21085
CM/ECF Electronic Mailing Matrix

- Gregory C. Dyekman – greg.dyekman@draylaw.com; GCDWyo@aol.com; monica.lincoln@draylaw.com
- Bradley T. Hunsicker – brad@winshipandwinship.com
- James P. Hurley – jhurley@bangsmccullen.com
- Mark E. Macy – mark@macylaw.net; office@macylaw.net
- Daniel J. Morse – daniel.j.morse@usdoj.gov
- Stephen R. Winship – steve@winshipandwinship.com; gayleenwilde@winshipandwinship.com; don@winshipandwinship.com; billie@winshipandwinship.com
- Timothy L. Woznick - tim.woznick@draylaw.com; monica.lincoln@draylaw.com
- US Trustee – USTPRegion19.cy.ecf@usdoj.gov